



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/878,578	06/11/2001	Steve Guilkey	38,146	2778

29569 7590 03/26/2003

JEFFREY FURR
253 N. MAIN STREET
JOHNSTOWN, OH 43031

EXAMINER

GORDON, STEPHEN T

ART UNIT	PAPER NUMBER
----------	--------------

3612

DATE MAILED: 03/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application <u>09/070,578</u>	Applicant(s) <u>Gulley</u>	
	Examiner <u>Gordon</u>	Art Unit <u>3612</u>	Confirmation No. <u></u>

- The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address -

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- ☒ Responsive to communication(s) filed on 2-26-03
- ☒ This action is **FINAL**. ☐ This action is non-final.
- ☐ Since this application is in condition for allowance except for the formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-6 is/are pending in this application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☒ Claim(s) 14 is/are allowed.
- ☒ Claim(s) 15-16 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ The proposed drawing correction, filed on _____ is ☐ approved or ☐ disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action.
- ☒ The drawing(s) filed on 2-26-03 is/are ☐ accepted or ☒ objected to by the Examiner. (see action notes) Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- ☒ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d) or (f).
- ☐ All ☐ Some* ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. _____.
- ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received:

- ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- ☐ The translation of the foreign language provisional application has been received.
- ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s) _____
- ☐ Notice of References Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Art Unit: 3612

DETAILED ACTION

1. Applicant should note, the drawings filed 2/26/03 are approved for content but are informal in nature (e.g. pale lines etc.). New formal drawing copies of these sheets are required before issue.

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "112" has been used to designate both the adjustment strap cylinders and the raised edge. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

3. The disclosure is objected to because of the following informalities: "140" on page 6 - line 17 should apparently be --146-- (see figure 6, note "146" has not been cited in the instant specification text).

Appropriate correction is required.

4. Claims 15-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re claim 15, line 3 is somewhat awkward and confusing. As best understood, "are" could be replaced with --is--, and a comma could be inserted after the second "straps" to correct the claim in this regard.

Art Unit: 3612

Re claim 16, the claim is generally very awkward and confusing. Specifically, "the end opposite the attached" lacks clear antecedent basis. Additionally, the phrase "the end opposite the attached to a base with the base" is confusing and not understood. In line 3, "in which" is somewhat confusing and could be deleted to clarify the line as best understood. The recited adjustable straps of line 4 are confusing and apparently constitute a double inclusion of the previously recited straps. The term "said adjustment straps" in line 4 lacks clear antecedent basis. The term "runs" in line 4 should be --run--. The term "the end of the adjustment straps" in line 5 lacks clear antecedent basis. The term "the adjustment strap" in line 6 lacks clear antecedent basis and should apparently be --the adjustable strap-- for consistency in terminology (note other such terms in lines 4 and 5 also). Finally, the last two lines are generally awkward and confusing. Specifically, "holding on to a transportation means" is awkward and not understood.

5. Claims 15-16 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

6. Claim 14 is allowed.

7. Applicant's arguments with respect to claims 14-16 have been considered but are moot in view of the new ground(s) of rejection.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


Art Unit: 3612

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Gordon whose telephone number is (703) 308-2556.

stg

March 25, 2003


STEPHEN T. GORDON
PRIMARY EXAMINER